

REMARKS

By this Amendment, claims 1, 6, 7, 11, 16, 18-20 and 24-47 have been amended. Accordingly, claims 1-47 are pending in the present application.

Applicant wishes to thank the Examiner for the indication of allowable subject matter in each of claims 4, 5, 9, 10, 14 and 15. While Applicant has amended the claims to overcome the §101 and §112 rejections set forth in the Office Action, Applicant respectfully submits that the independent claims from which claims 4, 5, 9, 10, 14 and 15 ultimately depend, are allowable for the reasons set forth herein.

The objections to the title and abstract are noted. In response, Applicant has amended the title and abstract as helpfully suggested by the Examiner. Accordingly, reconsideration and withdrawal of these objections is respectfully requested.

Claims 24-29, 32, 35, 38, 41, 44 and 47 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. In response, Applicant has amended these claims as helpfully suggested by the Examiner. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-47 stand rejected under 35 U.S.C. §112, second paragraph. In response, Applicant has amended these claims to be in full compliance with all §112 requirements. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-3, 6-8, 11-13 and 16-47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0035098 to Ishiyama in view of U.S. Patent Publication No. 2003/0161535 to Kohno. Applicant respectfully traverses this rejection.

Among the limitations of independent claims 1 and 11 which are neither disclosed nor suggested in the art of record is a system that includes “a first sharpness extraction unit for extracting a first sharpness amount reflecting the sharpness from each of the plurality of comparison

images.” Among the limitations of independent claims 16, 20, 24 and 28 which are neither disclosed nor suggested in the art of record are a method/computer-readable medium that includes “extracting a first sharpness amount reflecting the sharpness from each of the plurality of comparison images.”

Among the limitations of independent claims 31, 37 and 43 which are neither disclosed nor suggested in the art of record is a system that includes “an extraction unit for extracting sharpness from the generated [two-dimensional] image.” Among the limitations of independent claims 32, 38 and 44 which are neither disclosed nor suggested in the art of record are a computer-readable medium that includes “extracting sharpness from the generated [two-dimensional] image.” Similarly, among the limitations of independent claims 30, 36 and 42 which are neither disclosed nor suggested in the art of record is a method “wherein sharpness is extracted from the generated two-dimensional image.”

One of the advantages of the present invention as defined in independent claims 1, 11, 16, 20, 24, 28, 30-32, 36-38 and 42-44, is that the need to obtain information regarding the external environment of the image is unnecessary because the sharpness amount is extracted from the comparison or generated image. Thus, the need for a separate attribute comparing process or device is unnecessary.

As admitted on page 7 of the Office Action, Ishiyama does not disclose or suggest any device or step of extracting a first sharpness amount. The Office Action then relies on Kohno as teaching such a device/method. Applicant respectfully disagrees.

Applicant respectfully submits that Kohno is very different from the present invention as defined in independent claims 1, 11, 16, 20, 24, 28, 30-32, 36-38 and 42-44. Specifically, Kohno utilizes a different process for determining a similarity or difference. For example, for calculating the similarity between images, Kohno uses attribute values such as a sensing date and hour, exposure, shutter speed, pan angle, tilt angle, and field angle. See paragraphs [0033] and [0061] of Kohno. This information, however, is external environment information. Thus, Kohno’s image

processing apparatus and method does not extract sharpness from the generated two-dimensional or comparison images as required by independent claims 1, 11, 16, 20, 24, 28, 30-32, 36-38 and 42-44.

Therefore, even if one were to combine the teachings of Ishiyama and Kohno, one would not arrive at the present invention as defined in independent claims 1, 11, 16, 20, 24, 28, 30-32, 36-38 and 42-44. Accordingly, it is respectfully submitted that independent claims 1, 11, 16, 20, 24, 28, 30-32, 36-38 and 42-44 patentably distinguish over the art of record.

Claims 2-10, 12-15, 17-19, 21-23, 25-27, 29, 33-35, 39-41 and 42-44 depend either directly or indirectly from independent claims 1, 11, 16, 20, 24, 28, 30-32, 36-38 and 42-44, respectively, and include all of the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. Accordingly, claims 2-10, 12-15, 17-19, 21-23, 25-27, 29, 33-35, 39-41 and 42-44 are likewise patentable.

In view of the foregoing, favorable consideration of the amendments to claims 1, 6, 7, 11, 16, 18-20 and 24-47, and allowance of the present application with claims 1-47 is respectfully and earnestly solicited.

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Respectfully submitted,

Electronic signature: /Richard LaCava/
Richard LaCava

Registration No.: 41,135
DICKSTEIN SHAPIRO LLP
1633 Broadway
New York, New York 10019-6708
(212) 277-6500
Attorney for Applicant